

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
SHAUNA JAMES,

Plaintiff,

-against-

MARRIOTT INTERNATIONAL, INC.,

Defendant.
-----X

ANSWER

DOCKET NUMBER:

08 CV 6669

(GEL) (HBP)

DEFENDANT DEMANDS

TRIAL BY JURY

Defendant, by its attorneys, CHESNEY & MURPHY, LLP, answers the Complaint of the plaintiff upon information and belief as follows:

1. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in the paragraphs of the Complaint designated as "1", "3", "8", "9", "14", "15", "16", and "17", and refers all questions of law and fact to this Honorable Court.

2. Denies upon information and belief each and every allegation contained in the paragraphs of the Complaint designated as "4", "5", "6", "11", "18", "19", "20", "21", and "22", and refers all questions of law and fact to this Honorable Court.

**AS AND FOR A FIRST, SEPARATE, DISTINCT
AND COMPLETE AFFIRMATIVE DEFENSE,
THE ANSWERING DEFENDANT ALLEGES:**

That the accident or occurrence referred to in the plaintiff's Complaint and the injuries claimed were caused in whole or in part by the carelessness, contributory negligence or the assumption of

risk of the plaintiff and this answering defendant demands that the plaintiff's damages be accordingly diminished or denied.

**AS AND FOR A SECOND, SEPARATE, DISTINCT
AND COMPLETE AFFIRMATIVE DEFENSE,
THE ANSWERING DEFENDANT ALLEGES:**

That in the event the plaintiff recovers any judgment against this defendant, then this defendant demands that any such judgment be diminished in accordance with Article 16 of the CPLR and more particularly, Section 1601 thereof; and also if there is any such judgment that it be limited to this answering defendant's equitable share of any total liability.

**AS AND FOR A THIRD, SEPARATE, DISTINCT
AND COMPLETE AFFIRMATIVE DEFENSE,
THE ANSWERING DEFENDANT ALLEGES:**

That the plaintiff has failed to mitigate and/or reduce her damages and losses, if any, as alleged in the Complaint.

WHEREFORE, this answering defendant demands judgment dismissing the Complaint of the plaintiff herein together with the costs and disbursements of this action.

GREGORY E. BROWER
CHESNEY & MURPHY, LLP
Attorneys for Defendant
Office & P.O. Address
2305 Grand Avenue
Baldwin, New York 11510
(516) 378-1700

TO: MARK E. SEITELMAN LAW OFFICES, P.C.
Attorneys for Plaintiff
Office & P.O. Address
111 Broadway, 9th Floor
New York, New York 10006
(212) 962-2626
File No.: 08-0192

nk